

REMARKS

I. Status of the Claims

Claims 27-29 and 31-52 are pending in this application. Without prejudice or disclaimer, Applicants have amended claims 40 and 45. After entry of this Amendment, claims 27-29 and 31-52 will remain pending. Applicants submit that the specification, drawings, and claims as originally filed provide Section 112 support for these amendments. Thus, no new matter has been presented.

Applicants acknowledge the Examiner's withdrawal of the rejections of claims 27-39 under 35 U.S.C. § 112 and the rejections of claims 27-29 and 31-39 under 35 U.S.C. § 103(a). Office Action, page 3. Applicants also acknowledge that the Examiner has allowed claims 27-29 and 31-39. *Id.*

As a preliminary matter, Applicants note the Examiner's treatment of language in claims 40 and 45 as principally representing "the intended manner of operation of the device (i.e. desired pressures) rather than requiring any specific structural limitation that would distinguish the applied prior art. . . ." Office Action, page 2. Although Applicants do not necessarily agree, Applicants have amended claims 40 and 45 to more positively recite the structure of the claimed apparatus and certain features previously contained within the "wherein" clauses. Moreover, Applicants' amendment of "at least one passage device" to recite "a passage device," was made to place the claims in more parallel form, and not to suggest that there cannot be more than one passage device or feeding device.

II. Rejections Under 35 U.S.C. § 103(a)

A. The Examiner rejects claims 40-50 and 52 under 35 U.S.C. § 103(a) as allegedly “being unpatentable over” U.S. Patent No. 1,394,928 to Midgley et al. (“Midgley”) in view of U.S. Patent Nos. 6,409,959 to Caretta et al. (“Caretta”) and 1,407,839 to Clinefelter et al. (“Clinefelter”), “and optionally further in view of” U.S. Patent No. 6,332,999 to Caretta (“Caretta II”). See Office Action at 2.

Although Applicants do not necessarily agree with this rejection, in the interest of expediting prosecution of this application, Applicants have amended independent claim 40 to recite, “[a]n apparatus for molding and curing a tyre for a vehicle wheel, the apparatus comprising...a passage device, which fluidly connects the inner surface of the toroidal support and an outer surface of the toroidal support, and is configured to feed at least one primary working fluid under pressure between the outer surface of the toroidal support and an inner surface of the tyre; [and] a feeding device, which is operatively associated with the airtight vulcanization mold and is configured to supply at least one secondary working fluid to an outside of the tyre,” (emphasis added).

Applicants respectfully submit that none of the cited references, either alone or in combination, teach each and every element of currently-amended independent claim 40, and request that the rejection of claim 40 under 35 U.S.C. § 103(a) be withdrawn.

Claims 41-44 depend from claim 40, and are therefore patentable over the cited prior art references for at least the same reasons as those discussed with respect to claim 40.

Likewise, currently-amended independent claim 45 now recites, among other things, “a passage device, which fluidly connects the inner surface of the toroidal

support and an outer surface of the toroidal support, and is configured to feed at least one primary working fluid under pressure between the outer surface of the toroidal support and an inner surface of the tyre; [and] a feeding device, which is operatively associated with the airtight device and is configured to supply at least one secondary working fluid to an outside of the tyre; wherein the apparatus is adapted to feed simultaneously both the at least one primary working fluid under pressure and the at least one secondary working fluid under pressure into the airtight device, such that the pressure of the at least one primary working fluid is less than the pressure of the at least one secondary working fluid,” (emphasis added).

Applicants respectfully submit that none of the cited references, either alone or in combination, teach each and every element of currently-amended independent claim 45, and request that the rejection of claim 45 under 35 U.S.C. § 103(a) be withdrawn.

Claims 46-50 and 52 depend from claim 45, and are therefore patentable over the cited prior art references for at least the same reasons as those discussed with respect to claim 45.

B. The Examiner rejects claim 51 under 35 U.S.C. § 103(a) as allegedly “being unpatentable over” Midgley in view of Caretta and Clinefelter, as applied above, and further in view of U.S. Patent No. 6,350,402 to Kobayashi (“Kobayashi”). See Final Office Action at 6.

Applicants respectfully traverse for at least the following reasons. For the reasons discussed above, Midgley, Caretta, and Clinefelter do not render obvious claims 40-50 and 52. Because claim 51 depends from claim 50, Midgley, Caretta, and Clinefelter also do not render obvious claim 51 for these same reasons, and Kobayashi

does not cure the deficiencies of these references. Accordingly, for at least this reason, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness and the rejection should be withdrawn.

III. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application.

If the Examiner believes a telephone conference could be useful in resolving any of the outstanding issues, the Examiner is respectfully urged to contact Applicants' undersigned counsel.

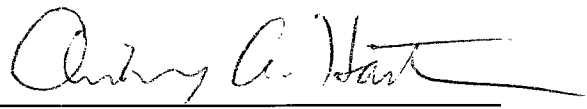
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2009

By: _____



Anthony A. Hartmann
Reg. No. 43,662
(202) 408-4000